

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed December 21, 2009. Claims 1-5, 7-8, and 10-13 were pending in the present application. Claims 5, 7-8, 10, and 12-13 are allowed. This Amendment amends claim 1 to place the remaining claims in condition for allowance, without adding or canceling any claims, leaving pending in the application claims 1-5, 7-8, and 10-13. Reconsideration of the rejected claims allowance of all pending claims is respectfully requested.

**I. Allowed Claims**

Claims 5, 7-8, 10, and 12-13 are allowed. Claims 1-4 and 11 are allowable pending the §112 rejection of claim 1 addressed below.

**II. Rejection under 35 U.S.C. §112**

Claims 1-4 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although Applicants respectfully disagree, the language has been amended for purposes of clarity to place all claims in condition for allowance. No new matter is added through these amendments.

Amended claim 1 reflects the amendments previously faxed to the Examiner on January 7, 2010, and discussed with the Examiner on February 16, 2010. The Examiner indicated that the amendments needed to be submitted in a formal response in order for him to approve the claims. Applicants appreciate the Examiner's help, and have submitted the amendments, as previously presented to the Examiner. Applicants thus respectfully submit that all claims pending herein are in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



Jason D. Lohr  
Reg. No. 48,163

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300  
Attachments  
JDL:jd  
62389894 v1